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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,772	08/15/2002	Robert J. Schindler	GLOZ200073	2566

27885 7590 09/16/2003

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EXAMINER

TSO, LAURA K

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064, 772

Applicant(s)

Schindler et al

Examiner

TSO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Specification

1. The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1, 3, 7, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessener et al. (4,901,922).

Kessener discloses a illuminated faucet comprising a lamp [42] a flow switch [60] which changes the condition of the lamp. The lamp is disposed near the handle [12]. Kessener does not disclose the lamp is an LED. LED devices are well known and available in the art, are inexpensive, are long lasting and use little energy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an LED device in the device of Kessener to produce an inexpensive device which would be long lasting. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

4. Claims 27 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuo (5,171,429).

Yasuo discloses a illuminated faucet [figure 1] comprising an LED lamp [7] and a base plate [8] having a control circuit and functions as a PCB. Yasuo does not disclose an encapsulant is used to seal the LED source and traces. However, using an encapsulant to surround and protect electrical device in an environment which is full of water is well known in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an encapsulant to seal and protect the LED source and traces in the device of Yasuo because the environment contains water.

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Yasuo discloses a electric cell [13] or battery and leads [14] but does not disclose the electric cell is an inductively rechargeable battery. It is well known in the art to use such a battery so that the battery would not be wasted or have to be constantly replaced. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an inductively rechargeable battery in the device of Yasuo so that the battery would not be wasted or have to be constantly replaced.

Allowable Subject Matter

5. Claims 2, 4-6, 8-13, 15, 17-20, 28, 29, 31, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 21-26 are allowed.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the patents of Kehat, Horn and Bolson.

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8. Any inquiry concerning this communication should be directed to the Examiner at the below-listed number on **Mondays and Wednesdays until 2:00pm and Fridays with various hours. Personal interviews may be accommodated anytime on a limited basis.**

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Sandra O'Shea, can be reached on 703 305 4939. The fax numbers for this Technology Center 2800 are 703 305 3432 and 703 308 7722.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703 308 0956, Monday-Friday, 830am to 5:00pm, EST.

By: 
LAURA TSO
Primary Examiner
703 305 1672